

January 9, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, January 9, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Jeff Sowers, Leigh Ann Loeblein, Mark Lewis, Mark Perry, DeeDee Wright, Sean Reid, Ken Mowery, John Daniels, Fred Dula, Jeff Smith, Andy Storey, Elaine Stiller

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Judy Jordan

The meeting was called to order by Chairman Lewis. The minutes of December 12, 2000, were approved as published.

### **ZONING MAP AMENDMENTS**

Z-27-00 Robert Cooper, 1005 Stanley Street

Location: 1005 Stanley Street (bounded by Lincolnton Road on the north, Stanley Street on the west and Elm Street on the south)

Size: 5,651 square feet

Existing Zoning: R-6 Two Family-6 Residential and R-8 Single Family-8 Residential

Proposed Zoning: B-CS Convenience Service Business

(a) Chairman Lewis convened a courtesy hearing on Z-27-00.

#### **Background:**

Structure on property has been used as a convenience store (Paper Poke Grocery) for a number of years. There is some question as to whether the business is currently in operation or whether this nonconforming use has been closed for a period of greater than six months. If that is the case, the store would need this rezoning in order to reopen.

#### **Those speaking in favor of the zoning change request:**

Robert Cooper, 2025 Grace Church Road. Owned a convenience store on Airport Road for 2 ½ years and had no problems. Did not know the store on Stanley Street was a nonconforming use since it had been there for so long. Store was opened in November. Have not had any problems. Wants the rezoning in case the structure is destroyed by fire. Under the present zoning, the structure could not be rebuilt in the present zoning classification. He responded to a Board member question that he sells alcohol as well as tobacco products.

Robert Cooper, Sr. The neighborhood needs a store. Plan to serve hot food, sandwiches.

#### **Those speaking in opposition to the zoning change request:**

Carol Allen, 602 Elm Street. The store was closed nine months. Realizes that there is a six-month window where a nonconforming use can reopen. The business was closed in February 2000 and the new license was issued November 2000, well beyond the six months. There are congestion and parking problems. She couldn't get into her driveway due to cars parked everywhere. Existing ordinances prohibit backing into traffic. These ordinances are not being enforced. This is a serious hazard to the neighborhood. Ordinances are to prevent problems and protect the people. There were no problems during the nine months the store was closed. Insufficient parking.

Larry Ritz, owner of duplex behind the store. Store has been robbed a number of times. Has lost renters due to customers buying beer and liquor at the store and standing on the corner while drinking. It's bad for the neighborhood.

Ron Clark, 822 Lincolnton Road. Area is very congested. It's an old neighborhood in transition. This store attracts an element that is not conducive to a family neighborhood.

Six people stood in support of the request and five stood in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

DeeDee Wright asked Mrs. Allen whether there had been problems prior to the present owner. Mrs. Allen responded there had been.

Mr. Cooper indicated he did not plan to expand the building. He does want to add serving food inside the building.

Jeff Sowers – structure built in 1948 and always used as a convenience store. Vital part of the neighborhood. This is a good use.

Mark Perry – compared this to a recently rezoned business in a residential neighborhood in the Livingstone College area. Brooklyn-South Square area has the 50-50 store. There are small stores within communities that have been established for a long time.

Sean Reid moved to recommend the rezoning as proposed. The motion was seconded by John Daniels with all members voting AYE.

Z-28-00 Rowan Memorial Park Cemetery, East Ridge Road

Location: Borders on both East Ridge Road and Franklin Community Center Road (property is located behind Rowan Memorial Park which fronts on U. S. 601)

Size: 21 acres

Existing Zoning: A-1 Agricultural District

Proposed Zoning: PSP Public/Semi-Public District

(a) Chairman Lewis convened a courtesy hearing on Z-28-00.

Background: The Zoning Administrator has ruled that the cemetery needs to get the property rezoned in order to carry out the park's plans to construct a building for offices and maintenance storage.

Those speaking in favor of the zoning change request:

Phyllis Shive, 385 Peaceful Lane, China Grove, area manager for the cemetery – Wants to build a new office in the proposed area. Also wants to build a maintenance shop which will be completely enclosed with a privacy fence.

Loretta Strickland, 290 Epperson Road, Salisbury, and works at the park  
Rev. Mark Reid, pastor of Bethel Lutheran which adjoins the property

Those speaking in opposition to the zoning change request:

James Nussman, 4255 Franklin Community Church Road – not in opposition but has some concerns. Concern over status of Oak Street which he uses to access his property. Asked for shrubbery or fencing for privacy on the south side of the property.

Two people were present in favor of the rezoning and none in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Sowers – the request is compatible with land uses and zoning.

Fred Dula moved to recommend the rezoning as proposed. The motion was seconded by Ken Mowery with all members voting AYE.

Z-29-00 Salisbury Planning Board Committee, Innes Street (VCOD area)

Location: Along both sides of East and West Innes Street, from Craig Street on the west, through downtown, to Avalon Drive on the east

Size: Approximately 137 acres

Existing Zoning: R-6 Two Family Residential, R-6A Multi-Family Residential, B-1 Office Institutional, B-4 Highway business, B-5 Central business, B-6 General Business, B-7 Limited Business

Proposed Zoning: Same zoning; add VCOD (Visual Corridor Overlay District) zoning

(a) Chairman Lewis convened a courtesy hearing on Z-29-00.

Background: Planning Board previously recommended approval of the Visual Corridor Overlay District (VCOD) ordinance which was subsequently approved by City Council. We are now looking at the area where the VCOD may be applied.

Those speaking in favor of and against the zoning change request:

Randy Hemann, Downtown Salisbury, Inc. – DSI owns property at 210 East Innes Street. Numerous studies have recognized the need for this. This is a step in the right direction. Over time this overlay will help change the face of Innes Street and have a very positive impact on business.

Max Ballenger, attorney representing City View Restaurant which is owned by Mr. Frick – state has condemned part of the restaurant property and will be building a road. Mr. Frick's business will be surrounded by three streets with a 20-foot setback on each street. Asked that this property be excluded from consideration for the VCOD district.

Jan Wood, appraiser representing City View Restaurant – The restaurant property initially consisted of 1.136 acres before DOT took part of the property for the street widening. Only 33,000 square feet is left.

Norman Frick, City View Restaurant owner – If he tried to comply with the VCOD requirements, he would have no property left. Built the restaurant in 1957 and was outside the city limits.

Cherrathee Hager, 601 West Innes Street – questioned how this new district would affect her property.

Tony Blackwell, representing CCB at 507 West Innes Street – Realizes the bank does not conform and would be grandfathered. But if the bank wanted to make changes or enlarge the small office on the corner, it would be an issue. If the bank were to add screening as the ordinance would require along Caldwell Street, they feel this would create a security issue. There are numerous issues that make it very difficult for the bank to ever do anything to their property beyond what is there now. Opposes being included in the area.

Diane Dillon Hooper, Executive Director of Historic Salisbury Foundation – Owns property within 100 feet of this area. Speaking in favor of the new district on behalf of the Board of Directors. Need to protect the West Innes Street entrance and enhance the East Innes Street entrance.

Glenn Ketner, Jr., 121 East Kerr Street – Objected to several portions of the VCOD ordinance pertaining to signs, group development approval for development in the VCOD district, and applicability. Questioned the extension of the VCOD all the way to Craige Street.

Ed Parks, Rocky Mount, speaking on behalf of Hardee's Food Systems – Concerned with the 5 ½ year amortization clause. Feels that 15-20 year amortization would be better. Asks that the Hardee's property be excluded.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Mark Perry moved to recommend approval of the VCOD overlay for the area proposed. The motion was seconded by DeeDee Wright.

Sean Reid – Had several questions concerning the property between I-85 and Avalon Drive. Wonders how much impact this is going to make and when it's going to make it. A lot of property is going to be grandfathered. DOT is going to make a lot of changes in this area.

Jeff Smith – The purpose of the district is to make it a corridor. If we start pulling out individual properties, we lose the continuity and consistency that's needed through the area.

Mark Lewis – This corridor is vital to the long-term economics of the city.

Leigh Ann Loeblein – The time is now to make this change. We've been studying this for five years. Will see a tremendous amount of change in the next year, especially on East Innes Street.

Jeff Sowers – This is going to be a slow change. Landscaping will make a big difference. You have only one opportunity to make a first impression.

Mark Perry – This will make a big difference to our community and to our downtown. Maybe we won't see it for a few years, but we've got to start sometime.

On the call for the question, all members voted AYE to recommend applying the VCOD to the area indicated on Z-29-00.

## **GROUP DEVELOPMENT**

G-2-99 Rowan Regional Medical Center, Linear Accelerator, 612 Mocksville Avenue  
Ken Mowery excused himself from the Board due to a conflict of interest.

Plans for the accelerator were approved on July 18, 2000. An application has been submitted to change the outside of their linear accelerator from a brick veneer with a standing seam metal roof to a textured coating to match the existing hospital building and the roof having wooden trusses with fiberglass shingles. The Technical Review Committee recommends approval. On a motion by Leigh Ann Loeblein, seconded by Sean Reid, with all members voting AYE, the site plan was recommended for approval.

## **COMMITTEE REPORTS**

(a) Goals for FY 2001-2002 – On a motion by Fred Dula, seconded by Andy Storey, with all members voting AYE, the goals were approved.

(b) Jake Alexander Small Area Study – DeeDee Wright gave the committee report. The committee met twice during the past month. Staff prepared a map showing possible rezonings extending from Dan Street to properties just south of the railroad tracks. The committee, however, is recommending several zoning changes only on the property north of the railroad tracks. Specific recommendations are listed in a memo from the committee to the Planning Board dated January 4, 2001. The committee will be looking at the properties to the south of the railroad tracks as to possible rezoning to either B-6 or M-1. A future corridor study of Jake Alexander Boulevard should extend from the railroad tracks to about Milford Hills Road, all of which has M-1 zoning. A Courtesy Hearing on the committee's recommendation will be held at the February 13 Planning Board meeting.

(c) Z-26-00 Salisbury City Council, 1825 Jake Alexander Boulevard West – Andy Storey gave committee report. The combined committees of Committee 3 and Jake Alexander Boulevard Committee is recommending to deny the rezoning request from M-2 to either M-1 or B-6 with the understanding that the whole area will be looked at and not just that one property. The committee's recommendation comes in the form of a motion to deny the request. The motion was seconded by DeeDee Wright. Ken Mowery stated that in light of the courtesy hearing at next month's meeting on the area along Jake Alexander Blvd. from Dan Street to the railroad, he offered a substitute motion to table this matter until after the courtesy hearing. This motion was seconded by Fred Dula with Jeff Sowers, Leigh Ann Loeblein, Mark Lewis, Mark Perry, DeeDee Wright, Ken Mowery, Fred Dula, Andy Storey and Elaine Stiller voting AYE and Sean Reid, John Daniels and Jeff Smith voting NAY. The motion passed to table this matter. Mr. Poole will ask Council for a 45-day extension for Planning Board consideration of Z-26-00. Sean Reid commented that he felt Council wanted an answer—yes or no—on this case. By the Planning Board holding it up for another 45 days, the neighbors can't get a response of what they want. The recommendation should go on to City Council and let them make a decision. We're holding up the process. Jeff Smith said he was concerned about further delays to the neighbors.

There being no further business to come before the Board, the meeting was adjourned.

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Chairman

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Secretary